United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6175

October 3, 2007

Honorable Stephen Johnson
Administrator
United States Environmental Protection Agency
Washington, DC 20460

Dear Administrator Johnson,

I am writing to request information on the Environmental Protection Agency's (EPA) activities concerning the use of biosolids. The Senate Committee on Environment and Public Works has a longstanding interest in ensuring health and environmental protections from potential threats posed by biosolids. On September 14, 2007, EPA issued a rule approving biosolids application on public lands by amending the federal Comprehensive Procurement Guideline V. This action, and EPA's ongoing activities on biosolids, raise issues of concern to this Committee.

The nation creates more than 7.6 million dry tons of biosolids a year, with a projected increase to more than 8 million dry tons a year by 2010. This material comes from wastewater released by streets, medical and industrial facilities, and other sources that flows into treatment plants. The federal Toxic Release Inventory shows that wastewater treatment plants received more than 263 million pounds of toxic chemicals in 2005, including dioxins and heavy metals such as lead, arsenic, mercury, and chromium. Many of these substances are known to cause cancer and harm reproduction and development, and can end up in the biosolids.

Congress recognized the threats posed by dangerous contaminants in biosolids and directed EPA to identify toxic pollutants, to establish and safeguards for such pollutants, and to update them at least every two years. In 1993, EPA issued biosolids regulations. The agency recognized that with repeated applications, pollution concentrations and potential exposure could increase over time, and admitted to many uncertainties concerning its assessment of threats.

Numerous studies since 1993 have highlighted continuing concerns about potential health risks from biosolids. In 1996, the National Research Council (NRC) criticized aspects of EPA's rules, including the exclusion of some pollutants from consideration, such as PCBs and other substances known to cause cancer and other adverse effects. The NRC recommended that EPA conduct a thorough survey of pollutants in sludge, not automatically exclude pollutants, and increase protections on biosolids sold to the general public. In 2002, the NRC recommended that to "assure the public and to protect public health, there is a critical need to update the scientific basis of the rule to (1) ensure that the chemical and pathogen standards are supported by current scientific data and risk-assessment methods, (2) demonstrate effective enforcement of the...rule, and (3) validate the effectiveness of biosolids-management practices."

Since 2002, more studies have raised potential concerns, including residential exposures and the consumption of food grown with biosolids. Studies have found potential reproductive

impacts to sheep exposed to biosolids on fields and potential increased human exposure to dioxins when livestock grazes on fields treated with sludge. Studies have also examined health complaints related to biosolids, analyzed the need to update the program's regulated chemicals and safeguards, and suggested program revisions. A 2005 joint federal, state, and local study found that although radioactive sludge is not widespread, some sludge is radioactive, some workers and residents could be exposed to unsafe levels of radiation in biosolids, and that radioactive substances could accumulate over time.

Since the last NRC report, EPA has stated that no further action is needed to protect the public from the anticipated effects of dioxin exposure in biosolids. EPA also said that it will strengthen the biosolids program by taking a number of actions, including a required biennial review, addressing microbial pollutants in sewage, conducting sewage sludge field studies and a targeted national survey of pollutants in sludge, and by conducting workshops on tracking illnesses.

Please provide the Committee with information on the actions that EPA has planned, initiated or completed to investigate or address potential threats from biosolids from fiscal year 2002 to the present. Please include a description of the action, the current status of the action, the amount of funding allocated and spent, and number of employees (in full time-equivalents) devoted to each activity. Please provide copies of any proposed, draft, or completed studies of biosolids, including any studies of potential exposures to biosolids, and any possible risks. Provide funding and manpower information on EPA enforcement activities related to biosolids, including the type, number, location and status of inspections and enforcement actions that EPA has planned, initiated or completed from fiscal year 2002 through 2008. Contact Erik Olson or Grant Cope at (202) 224-8832 with any questions. Please submit this information by October 19, 2007.

Sincerely,

Barbara Boxer
Chair